

SENATE BILL 2562
By Womack

AN ACT to amend Tennessee Code Annotated, Title 63, relative to licensure of hypnotherapists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, is amended by adding Sections 2 through 6 of this act as a new chapter thereto.

SECTION 2. It is recognized that hypnosis has attained a significant place as another technique in the treatment of human injury, disease and illness, both mental and physical; that the utilization of hypnotic techniques for therapeutic purposes should be restricted to certain practitioners of the healing arts who are qualified by professional training to fulfill the necessary criteria required for diagnosis and treatment of human illness, disease, or injury within the scope of their own particular field of competence; or that such hypnotic techniques should be employed by qualified individuals who work under the direction, supervision, or prescription of such practitioners.

SECTION 3. It is the intent of the legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of the patient. The same applies to the optometrist, podiatrist, chiropractor, osteopath, or physician of medicine.

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SECTION 4. It is, therefore, the intent and purpose of this chapter to regulate the practice of hypnosis for therapeutic purposes by providing that such hypnotic techniques shall be used only within the limits and framework of their own particular field of competence; or by qualified persons to whom a patient may be referred, in which event the practitioner of the healing arts shall be responsible, severally or jointly, for any damages resulting to the patient because of his own incompetence.

SECTION 5. In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(1) "Hypnosis" shall mean hypnosis, hypnotism, mesmerism, post-hypnotic suggestion, or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the person's mind to suggestion or direction is increased or is intended to be increased, where such a condition is used or intended to be used in the treatment of any human illness, disease, injury, or for any other therapeutic purpose;

(2) "Healing arts" shall mean the practice of medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatry, chiropody, and optometry;

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatry, chiropody, or optometry within the scope of such person's professional training and competence and within the purview of the statutes applicable to such respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner; and

(4) "Qualified person" shall mean a person deemed by the referring practitioner to be qualified by both professional training and experience to be competent to employ techniques for therapeutic purposes, under supervision, direction, or prescription.

SECTION 6. It shall be unlawful for any person to engage in the practice of hypnosis for therapeutic purposes unless such person is a practitioner of one of the healing arts, as herein defined, or acts under the supervision, direction, prescription and responsibility of such a person.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.